

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD SLEZAK,  
Plaintiff,  
v.

TCIF, et al.,  
Defendants

No. C-05-3537 MMC

**ORDER SETTING ASIDE ORDER  
DISMISSING PLAINTIFF'S CLAIMS  
AGAINST DEFENDANT TCIF**

By order filed January 12, 2006, the Court ordered plaintiff to serve defendant TCIF with a summons and copy of the complaint no later than February 10, 2006, and to file proof of service no later than February 17, 2006. By order filed February 27, 2006, the Court dismissed plaintiff's claims against TCIF, for the reason that plaintiff had not filed proof of service on TCIF.

Now before the Court is plaintiff's request, filed March 2, 2006, by which plaintiff seeks an order setting aside the dismissal of his claims against TCIF. Plaintiff's request is supported by an affidavit of a process server stating that TCIF was served on February 10, 2006, and by plaintiff's declaration stating that he left proof of such service in the Clerk's after-hours drop box on February 17, 2006.


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1 Having reviewed plaintiff's request and the evidence submitted in support thereof,  
2 and good cause appearing, the Court hereby GRANTS plaintiff's request and SETS ASIDE  
3 its order of February 27, 2006.

4 Plaintiff is ORDERED to serve a copy of this order on TCIF by mail, no later than  
5 March 24, 2006, and to file with the Clerk proof of such service no later than March 24,  
6 2006.

7 **IT IS SO ORDERED.**

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9 Dated: March 13, 2006

  
MAXINE M. CHESNEY  
United States District Judge